Valles Caldera Trust

Multiple Use and Sustained Yield of Forage Resources – MUSY Forage
Finding of No Significant Impact – FONSI
Draft for Public Review and Comment

1. Introduction

On December 19, 2008, the Valles Caldera Trust (the Trust) made an Environmental Assessment (EA) available for a 45-day public review and comment period, extended to 55-days in response to requests by the public. The EA considered actions and environmental consequences of the proposed Multiple Use and Sustained Yield of Forage Resources (MUSY – Forage) on the Valles Caldera National Preserve (the Preserve).

Federal agencies prepare an EA in order to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). An EA also supports planning and decision-making and an agency's compliance with the National Environmental Policy Act (NEPA) when an EIS is not required.

The Trust prepared this FONSI based on a review of both the EA and the comments received.

2. Terminology

The following paragraphs from the Council of Environmental Quality (CEQ) procedures for implementing NEPA (40 CFR 1500 – 1518), define a *finding of no significant impact* and the *human environment*. They are provided to aid in the public review and comment of this FONSI.

- *§1508.13 Finding of no significant impact.* Finding of no significant impact means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference.
- *§ 1508.14 Human environment.* Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.

3. Basis for the Finding

3.1. Compliance with NEPA

The Trust's procedures for implementing NEPA indicate that long-term programs for the management of livestock would normally require the preparation of an Environmental Impact Statement (EIS) (§101.51) (Federal Register, 2003). These procedures also identify activities where an implementing decision could normally be made after the preparation of an Environmental Assessment EA) (§101.52). Such activities include, "*Livestock management actions utilizing land, resources, and facilities of the Preserve, defined in location and time, the effects of which are anticipated to be short-term and minor in scope*" (§101.52).

The proposed MUSY - Forage does not fall clearly into either an action requiring an EIS or an action that could normally be implemented following the preparation of an EA. While the Trust is proposing to make a decision regarding the use of forage, primarily by livestock, which extends forward in time, the proposed Stewardship Action would be defined in location and time on an annual basis. The management of associated infrastructure was expected to have effects that would be short term and minor in scope.

The preparation of an EA and FONSI for actions that cannot be excluded from environmental documentation but "*will not have a significant effect on the human environment*" is consistent with direction in NEPA for reducing paperwork (§1500.4, (q)).

3.2. Effects on the Human Environment

3.2.1. Effects to Natural/Cultural Resources

In 2002, the Trust initiated an "Interim Livestock Grazing Strategy" (Valles Caldera Trust, 2002). The purpose and need/proposed action in the EA prepared for the interim grazing strategy included, "*to provide a scientific basis for development of a comprehensive "Model" Grazing Strategy."* Towards this end, the Trust established a systematic approach to monitoring and adaptive management including 41 permanent ecological monitoring sites, a series of riparian exclosures, continuous water quality and climate sampling instrumentation, annual measurements of stream morphology, and repeated measurements of the functioning condition of the perennial streams relative to a "proper functioning condition".

The data yielded from these monitoring sites were combined with Preserve-wide data collected to delineate and map soils and vegetation, and assess infrastructure (fences, corrals, gates, and earthen tanks), to prepare an existing rangeland condition report. This report documented the ecological condition of the Preserve and the suitability and capacity for allocation of forage for domestic livestock grazing or other uses, in context with current use by the Preserve's elk herd and variability in climate and productivity. The proposed stewardship action and alternatives were based on this report and the goals and purposes from the Act.

The existing condition report supported continuing allocation and use of forage similar in scale and location to the Interim Grazing Strategy. Lessons learned and information gathered during

the interim grazing period contributed to proposed infrastructure improvements designed to improve the control of livestock, reduce conflicts with recreation and protect sensitive resources.

In addition, the variety of programs implemented during the interim period permitted the Trust to quantitatively evaluate varying intensities of grazing in support of analyzing effects from each of the alternatives. The EA provided a detailed description of the existing condition of the affected environment to measure the *intensity* or degree of impact. The EA considered the natural environment at a variety of scales to assess the *context*, or extent in time and space of any effects.

Effects to the natural environment were predicted to be minor to moderate based on the combination of context and intensity. Resource specialists supported their conclusions with site specific data collected during the interim grazing period reflecting various grazing intensities and climate conditions, as well as published literature relevant to the montane ecosystems found on the Preserve. The context of the effects were assessed at various scales (Preserve-wide, 5th code USGS delineated watershed, and sub-basin or landscape scale). Cumulative effects were estimated based on a review of the 2007 State of the Preserve[1].

3.2.2. Socioeconomic Effects

The socioeconomic analysis defined the two-county area surrounding the Preserve (Rio Arriba and Sandoval County[2]) as the "socioeconomic impact area". These counties were considered the extent at which socioeconomic impacts of forage use on the Preserve could be detected. Even at this limited scale, socioeconomic impacts were negligible within the defined socio economic impact area. The Trust also considered effects to individual producers who could potentially graze on the Preserve. Information collected during the interim grazing period which included a variety of producers (small and large) and a variety of programs (replacement heifer, cow/calf pairs, conservation stewardship, yearling/steer, as well as scientific research).

All producers appeared to benefit from the opportunities to graze on the Preserve, however these benefits were minor to moderate and short term[3]. For example, Jemez Pueblo Livestock Association participated in a two year Conservation Stewardship Program. Under this program, the association implemented range improvements and a period of rest on their Tribal grazing lands while grazing cattle on the Preserve. The opportunity to graze on the Preserve enhanced their range improvement project, but did not affect a lasting change in their socioeconomic condition with regard to livestock production. The replacement heifer program allowed producers to protect the health of replacement heifers and improve the quality of their herd. Replacement heifers are a very small portion of a producer's herd and improvements are minor to moderate in intensity and occur incrementally over time with regard to context. Small and large producers brought heifers from around the state of New Mexico and from Texas, further diluting the intensity of any socioeconomic impacts.

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[11] The State of the Preserve is a cumulative effects report prepared every five years.

[2] Los Alamos and Santa Fe counties are also in close proximity to the Preserve, however the economies of these counties are too great and diverse to register the potential effects from the Preserve in the minor industries of agriculture and livestock production.

[3] Performance requirements limit long term commitments in forage allocation.

The greatest effect to any individual would likely occur under Alternative D, which would weight economic return as the most important factor (where consistent with ecological goals and objectives) in program development. This conclusion was based on programs in 2007 and 2008 where large single producers consistently offered greater returns than multiple or individual small producers. Performance requirements as well as federal contracting regulations[4] would limit the context of benefits overtime to any one producer. In addition, the potential for economic benefit to an individual does not meet the standard of significance in NEPA.

The EA evaluated the potential for benefits to individuals to cumulatively affect any one community. Even if multiple producers from a single community grazed on the Preserve the effects to the socioeconomic state of the community would be negligible to minor in context and intensity.

In addition to considering effects at multiple scales outside the Preserve the EA considered the effects within the Preserve with regard to financial self sufficiency, sense of place and recreational use of the Preserve. Conclusions in the EA were based on information gained during the interim grazing period and figures used in the ongoing preparation of a business plan and analysis.

The EA did not find that domestic livestock grazing, at the levels considered in the alternatives (or no action), would be a significant factor in the Trust's attainment of financial self sufficiency. Alternative D would be expected to generate the greatest revenue. This amount would still be minor relative to the Trusts annual operating costs. As programs and facilities continue to develop, income from grazing is likely to become even less significant.

As a tool for comparative analysis each alternative was measured against deferred maintenance needs of fences, earthen tanks, and other ranch infrastructure. These costs represent a portion of the debt inherited upon federal acquisition[5]. Alternative D could be expected to generate revenues sufficient for addressing the deferred maintenance needs within a four year period. Alternative C would be expected to bring in profit sufficient to address a portion of deferred maintenance but other sources of funding would need to be accessed to resolve the inherited debt. Alternative B, while generating little profit to address deferred maintenance would reduce future maintenance needs.

All the Alternatives retain the Preserve's working ranch history which is present in the form of the historic structures and infrastructure. The action alternatives include the presence of cattle and cowboys engaged in traditional ranch work at a level similar to the interim grazing period; no significant change is anticipated.

3.2.3. Public Comments

A summary of the public comments and the Trust's response is available. Comments were substantive with many advocating for the preparation of an EIS. The reasons cited for

[4] Federal contracts, competitively awarded, are awarded as single year contracts with options to renew. Changes in time or money generally require reopening the bid to competition. The cattle market with inherent fluctuations, limits commitments of money over multiple years when the competitive process is based on a single year.

[5] Other inherited debts are realized through deteriorating buildings and facilities including historic cabins, representing $1.89 million in deferred maintenance as well as the management needs present in the Preserve's forests and ecosystems, currently being assessed.

preparation of an EIS included the NEPA procedures of the Trust (addressed under 3.1) length of the document, and public controversy (see MUSY – Forage Comment Summary and Response). While these elements were considered in the preparation of the FONSI, they were not sufficient to trigger the preparation of an EIS without a likelihood of a significant effect to the human environment.

Public comments regarding a potential controversy over the effects of the action initiated a review of the references cited in the EA, references suggested in the comments and additional references not previously cited. The alternate references or predicted effects provided in the comments were either not relative to the Preserve's montane ecosystems or to the proposed action. Comments indicated the presence of controversies, including opposition to grazing and an opposition to managing grazing for other than optimal revenue. However, opposition to an action does not trigger the preparation of an EIS. The review of the EA, suggested references, and additional literature did not indicate that a significant controversy exists regarding the predicted effects and outcomes.

Some comments called for the preparation of a programmatic EIS regarding comprehensive management of the Preserve as a whole. The NEPA procedures of the Trust define comprehensive management of the lands, resources, and facilities of the Preserve (101.10) as a dynamic process including, "*all stewardship registers*[6]*, the State of the Preserve, and the strategic guidance adopted by the Board of Trustees*." The proposed MUSY-Forage includes goals, objectives, and monitored outcomes that provide the foundation necessary for integrating future stewardship registers towards comprehensive management as defined in the Trusts NEPA procedures.

4. Findings

Based on my review of the EA and subsequent comment, I find that the implementation of MUSY Forage as described in the proposed and alternative actions or taking no action at all will not lead to direct, indirect, or cumulative effects that would be significant to the human environment.

Key to my findings is the limited scope of the action, the context and intensity of the effects, and the systematic approach for adaptive management. Adaptive management is defined in the NEPA procedures of the Trust (101.2) as meaning "*adjusting stewardship actions or strategic guidance based on knowledge gained from new information, experience, experimentation, and monitoring results, and is the preferred method for managing complex natural systems.*" The Trust is implementing Adaptive Management in MUSY – Forage through measurable objectives and monitored outcomes, with clear triggers for adjustment as described in the EA.

Furthermore, our experience during the interim grazing period, including real time field sampled data, corroborates the context and intensity of effects as described in the EA.

[6] ''Stewardship register'' means a concise document, including applicable environmental documents, available to the public and readily amended over time depicting the location, development, implementation, and monitoring of a stewardship action.

This FONSI will be available for public review and comment for a period of 30 days beginning Monday, March 2, 2009 and ending Wednesday, April 1, 2009 at 4:30 PM MST. Please send comments electronically to comments@vallescaldera.gov, or via surface mail to the Valles Caldera Trust, P.O. Box 359, Jemez Springs, NM 87025.

/s/Gary D. Bratcher, Executive Director	Date